

SPECIAL COMMUNICATION

Why did Swiss citizens refuse to ban tobacco advertising?

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Abstract

A ban on tobacco advertising is one of the major tools to promote tobacco control. Swiss citizens recently refused to modify the Swiss Constitution to ban tobacco advertising. This case study shows how a strong alliance among the tobacco industry, the state, the media, and sports and cultural activities planners made it difficult for people to make an informed decision. The promoters of the ban were unable to provide counter-arguments to the mostly fallacious claims made by the opponents regarding the likely health and economic impact of this ban. A comparison to successful campaigns in Canada and New Zealand provides insight regarding factors missing in the Swiss campaign which might have been useful in obtaining support from Swiss citizens.

(*Tobacco Control* 1996;5:149-153)

Keywords: tobacco advertising ban; Switzerland

Introduction

Cigarettes are among the most heavily advertised consumer products through direct and indirect advertising.¹⁻² In addition to price policy and public education, a ban on cigarette advertising is one of the tools of tobacco control.³⁻⁵

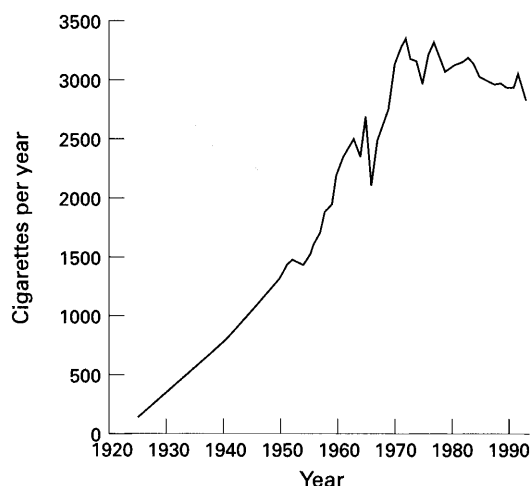
Swiss citizens voted on a constitutional initiative to ban advertising of all tobacco products in November 1993. This initiative was joined with another initiative to ban advertising of alcoholic beverages. A total of 45% of the eligible voters participated in this vote: 74% of the voters rejected the two initiatives, defeating them by a decisive margin.

The aim of this communication is to provide a case study of a failed health initiative.

Background

The secular trend in per capita cigarette consumption in Switzerland has followed the same pattern as in the rest of the Western world (figure).⁶ The prevalence of regular smoking ranges from 31.1% (age 55-64) to 43.6% (age 25-34) among men, and from 15.7% (age 55-64) to 36.1% (age 25-34) among women.⁷ Cigarette consumption per capita is among the highest in Europe⁸ and responsible for about 10 000 deaths (one of every 6-7 deaths) each year.⁹

Current tobacco control policy in Switzerland includes a ban on tobacco advertising on television and radio, as well as taxes (45% of



Per capita cigarette sales in Switzerland (buyers over 15 years of age).

the retail price of cigarettes) and warning labels on cigarette packages. However, there are no required warning labels on tobacco advertisements in newspapers or on billboards, and smoke-free areas in public places are still rare. Furthermore, the ratio for retail cigarette price to gross domestic product is among the lowest in western Europe.⁶

The ballot initiative is one of the most important tools of the Swiss direct democracy. By gathering 100 000 petitioners from the Swiss citizenry (about 2% of the adult population), Swiss citizens can demand a vote to propose a modification of the Swiss Constitution, that is, adding new amendments.¹⁰ The voter turnout is usually between 40% and 50%. Amendments proposed by ballot initiatives are rarely approved by voters. Twelve of 117 initiatives have been approved since 1848, the year when this amendment process was introduced. The 74% rejection vote for the initiative to ban tobacco advertising was an unusually high rate of disapproval.

The initiative to ban tobacco advertising was first proposed by an anti-smoking association, arguing that the ban should be a part of any comprehensive public health strategy for tobacco control. Several countries have legislated a total ban on tobacco advertising and promotion, including Iceland (1972), Norway (1975), Finland (1978), Portugal (1983), Canada (1989), New Zealand (1990), and three Australian states (1987-1990). A time series analysis of 22 member countries of the Organization for Economic Cooperation and Development (OECD) concluded that a

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total ban on tobacco advertising would reduce average per capita tobacco consumption by 6.8% in countries that did not have such legislation in 1986.¹¹ A total ban involves prohibition of television, radio, cinema, billboard, print media, and point-of-purchase advertising, as well as bans on sponsorship of sports and the arts by tobacco companies. Despite the enforcement of total advertising bans in several countries, progress has yet to be made in requiring tobacco manufacturers to package their products in generic, or “plain” packaging, which would put a genuine end to cigarette advertising.¹² Nonetheless, longitudinal studies of the effects of advertising bans indicate that existing legislation has been effective in reducing tobacco consumption in countries that enforced them (table).¹³⁻¹⁴ In Switzerland, it has been estimated that a total ban on tobacco advertising could save 500–700 lives per year and prevent 50 000 children or teenagers per year from starting to smoke.¹⁵⁻¹⁶

Initially, the anti-smoking group that launched the initiative did not include any associations of physicians or other healthcare providers. However, after a few months, three medical associations (the Swiss Physicians’ Federation, the Swiss Pharmacists’ Association, and the Swiss Nurses’ Association) joined the initiative committee.¹⁶ It took quite a while to set up the organisational basis for the joint action, because the Swiss health professions do not have an organised forum to facilitate collaboration. The support given by the Swiss Physicians’ Federation was relatively weak due to its limited financial resources. The Swiss Society of Preventive and Social Medicine lent their support to the campaign by participating in press conferences and by promoting the initiative in Swiss medical journals.

Arguments against the ban on tobacco advertising

During 1992 and 1993, a vast national campaign to persuade Swiss citizens to reject the initiative was organised in newspapers and on billboards by a private association consisting of tobacco companies and advertising agencies. The preliminary part of this campaign in 1992 was primarily concerned with the promotion of freedom of speech, although no reference was made to tobacco. The latter part of the campaign focused on persuading the Swiss to reject the initiative. The campaign used the following arguments.

Table 1 Longitudinal studies of advertising bans and subsequent effects on per capita tobacco consumption

Country	Year of advertising ban	Drop in per capita tobacco consumption attributable to ban (%)	Source
Norway	1975	9	UK Department of Health, 1992 ¹³
Finland	1977	6.7	Pekurinen, 1989 ¹⁴
Canada	1989	4	UK Department of Health, 1992 ¹³
New Zealand	1990	5.5	UK Department of Health, 1992 ¹³

- The free speech doctrine:* the Swiss print media heavily promoted the idea that this ban would be the first of successive losses of other civil liberties. This campaign was couched in the form of indirect attacks on Swiss civil libertarians, appealing to people’s fear that their right to freedom was being taken away. They also emphasised the probable loss of the right to be well-informed about the individual characteristics of diverse cigarette brands (nicotine and tar content).¹⁷
- The dependence of print media on tobacco and alcohol advertising revenue:* the print media also focused on the adverse impact of the initiative on the revenues of the lay press. They forecast that this diminishment of revenues would cause increases in the prices of newspapers (a Swiss daily 40-page newspaper costs about US\$1.40), as well as impede their economic viability.¹⁸
- Decrease in sponsorship of sports and cultural events:* many sports and cultural events are funded by tobacco companies, especially the small and local ones. It has been estimated that tobacco companies have been spending more than 25 million Swiss francs (Sfr) (US \$20 million) per year in support of these activities.¹⁸
- The risk of unemployment:* the opponents argued that the ban would cause several hundred layoffs in advertising agencies and in the press.¹⁵⁻¹⁹ This argument probably produced anxiety among the Swiss people at a time when the unemployment rate had never been so high (about 5%).

Arguments supporting the initiative

Regarding the right to be well-informed about cigarette brands, surveys have shown that the vast majority of smokers never change their brand.^{3-4 20} The Swiss cigarette market is dominated by only a few tobacco companies, and therefore an argument against the ban based on free-market economics is not particularly relevant.²¹ The ban would not have included point-of-sale advertising, because shop advertising would still have been permitted. Furthermore, tobacco advertising presents images of smoking and smokers that are falsely attractive to adolescents and encourage youths to smoke.^{5 22 23}

The argument regarding the dependence of sports and cultural events on tobacco industry sponsorship was only partially correct, because the biggest events (music festivals, for example) are far less dependent on this source of revenue.¹⁹ Although the survival of small local events could have been financially crippled by the ban, the costs of those failures would be a small price for society to pay for the elimination of tobacco advertising. Indirect advertising targeting teenagers has been increasing in recent years and any tobacco control policy should include indirect advertising.²⁴ Events planners could have sought alternative sponsorship from state financial support, as proposed by the proponents of the initiative.

The print media do not depend as heavily upon revenues from tobacco and alcohol advertising as portrayed by opponents of the ban. Tobacco and alcohol advertising represent no more than 5–10% of Swiss lay press advertising revenues.¹⁵ Furthermore, no overall decrease in advertising income has been recorded in countries where tobacco advertising has been banned.¹⁶

The fear of unemployment was based on figures and extrapolations which were not accepted by economic experts, who asserted that these figures were too dramatic and without justification.^{16 21}

Why did Swiss citizens refuse to ban tobacco advertising?

FIGHT WAS UNBALANCED BETWEEN SUPPORTERS AND OPPONENTS OF THE BAN

The lay press coverage of the issues involved in the vote was unidirectional and uniformly against the initiative. Most of 112 Swiss newspapers and 20 magazines did not publish the initiative committee's press releases. The print media (newspapers such as *Blick/Sonntags-Blick*, owned by Ringier), addressing themselves to a very large popular audience, clearly took the side of the cigarette industry. That is in line with observations made elsewhere showing that magazines and newspapers that accept tobacco advertising provide less coverage of the hazards of smoking.²⁵ On the other hand, the electronic media (television, radio), where tobacco advertising has been banned for many years, presented a balanced picture of the issues of the campaign.

The advocates of the ban did not have sufficient funds to buy advertising pages in newspapers. Compared with at least SFr2 million (about US\$1.6 million) spent by the opposition, the initiative committee had only raised SFr500 000 (US\$400 000). In addition, all except one publicity agency refused to promote the initiative. The news media have an impressive record in directly influencing policy outcomes. Their coverage of health issues has been consistently reported to be a major influence on public knowledge and perceptions of health issues.²⁶ For all of these reasons, the initiative committee was not able to effectively promote arguments in favour of the advertising ban.

LACK OF SUPPORT FOR THE INITIATIVE BY THE SWISS GOVERNMENT AND PARLIAMENT

During 1993, the Federal Council (the Swiss government) and parliament both refused to support the initiative. Both also refused to back an alternative proposal for a less ambitious (but also more feasible) ban on tobacco advertising. Two months before the vote, every Swiss citizen was sent a booklet containing the recommendations of the Federal Council¹⁵ with the arguments both in favour of and against the initiative. However, the government's conclusions in the brochure were based on the arguments made by the opponents of the ban. The government mentioned that specific campaigns (such as educational cam-

paigns targeted at schoolchildren) would be a more appropriate vehicle to implement tobacco control policy than the proposed ban. The government stated, for example, that a warning on cigarette packages about the harmful effects of tobacco would be more effective than the proposed advertising ban.

The Swiss government failed to note that tobacco sales and smoking prevalence declines have been found in countries where tobacco advertising has been banned (Canada, Norway, New Zealand).^{11 27 28} The importance of cigarette tax revenues was also not mentioned in the government's brochure.

MERGER OF TWO INITIATIVES (BAN ON CIGARETTE AND ALCOHOL PRODUCTS ADVERTISING)

The failure of the initiative to ban cigarette advertising can also be partly attributed to its merger with the initiative to ban alcohol advertising. In contrast to tobacco, which poses a risk to users at any level of consumption, a minimal, regular consumption of alcohol has not been shown to be harmful. The perception of the harmful effects of tobacco was diluted by the "alcohol-tobacco" association embodied in the initiative and in the vote. The two initiative committees may have decided to merge their proposals for economic reasons, as well as to join forces to promote their preventive programmes. This merger was a major tactical error of the anti-tobacco groups. Because the advertising of two products could be banned in the same vote, two potential sources of refusal were combined.

SHORTAGE OF TIME FOR CAMPAIGNING

For technical reasons, the government decided to advance the date of the vote from March 1994 to November 1993. The anti-tobacco association did not have sufficient time to promote the importance of their initiative, or to mount a response to the one-sided perspective given by the press.

FREE SPEECH DOCTRINE

The argument concerning the free speech doctrine was persuasive among Swiss citizens, who hold a libertarian point of view and for whom the protection of civil freedoms is very important. Interestingly, the disapproval rate was higher among men, people from rural areas, and those from the French-speaking part of Switzerland, as well as among blue-collar and self-employed workers.²⁹ Nevertheless, there was no reason to expect that this ban would have served as a precedent for other commercial speech restrictions.

Lessons learned: insights from successful campaigns in Canada and New Zealand

The Swiss case study can be usefully compared with campaigns in Canada³⁰ and New Zealand,³¹ both of which succeeded in banning cigarette advertising in those countries (although the Canadian ban was recently overturned by the country's Supreme Court). The Canadian and New Zealand campaigns shared certain features that were lacking in the Swiss campaign.

From the beginning, both the Canadian and New Zealand campaigns had the financial commitment and expert support of major health groups—the Canadian Cancer Society and the Non-Smokers' Rights Association in Canada, and the New Zealand Cancer Society and National Heart Foundation in New Zealand. In both countries, a full-time lobbyist was hired to coordinate the campaign. Ken Kyle, the Canadian Cancer Society lobbyist, described the importance of having a professional lobbyist²⁹:

"There is... a tendency for health professionals to leave it up to volunteers within organizations to do things which bring about social change. Can you imagine, for example, a health organization allocating several million dollars for research in DNA and then asking a volunteer to do it in his spare time in the basement? No, of course not."

It is notable that the Swiss campaign failed to take on board a professional lobbyist. Given that the tobacco industry expends millions of dollars to engage the services of professional lobbyists, health groups need to realise that they cannot wage an amateur campaign and expect to win. Furthermore, the arguments against the ban on tobacco advertising have been similar in previous campaigns, such as those in Canadian, Australia, and New Zealand. Hence, the predictability of those arguments in the New Zealand campaign enabled the coalition to prepare counter-arguments in advance.

A second notable feature of the Canadian and New Zealand campaigns was the degree of coordination involved. In both countries, broad coalitions of health groups were formed. In Canada, a coalition was formed consisting of the Non-Smokers' Rights Association, the Canadian Cancer Society, the Canadian Council on Smoking and Health, Physicians for a Smoke-Free Canada, and the Canadian Medical Association. The campaign was run from the Ottawa office of the Canadian Cancer Society (which came to be known as the "War Room"). Fast-track, decision-making networks were set up by the coalition to bypass the normal red tape associated with most health agencies.³⁰

Similarly, the New Zealand campaign featured a coalition consisting of the Cancer Society, National Heart Foundation, New Zealand Medical Association, Public Health Association, Pharmacy Guild, and others³¹. Like its Canadian counterpart, the structure of the New Zealand coalition was organised to allow immediate responses to tobacco industry efforts to undermine the proposed advertising ban legislation. This coalition was able to shift the anti-smoking activities of the major health charities from their focus on individual smokers to a political perspective.³¹

In both Canada and New Zealand, these broad-based health coalitions were able to offset the effects of the "independent" pro-tobacco coalitions created by the industry—for example, during the New Zealand campaign, the tobacco industry organised special interest groups such as "Peo-

ple United For Fairness" (PUFF), and "Sports People for Freedom in Sports" to lobby against the proposed legislation. These groups were headed by prominent local sports stars and arts and fashion leaders whose interests would have been affected by the proposed ban on tobacco sponsorship. In response to such pressure groups, the New Zealand coalition organised small counter-groups, such as the "Athletes for Tobacco-Free Sport", which was formed at the time of the Commonwealth Games.³² Similar tactics have also been used successfully in other places, such as Western Australia.³³

A third factor in the success of the Canadian and New Zealand campaigns was the presence of politicians sympathetic to the idea of banning cigarette advertising. The Canadian minister of health, Jake Epp, and the New Zealand minister of health, Helen Clark, both worked hard within their respective Cabinets to encourage passage of the legislation. At the same time, it has to be stressed that the campaigns did not succeed in both countries solely as a result of sympathetic ministers. The campaign in both countries involved the intense commitment of health professionals who became involved in face-to-face lobbying of politicians to garner votes for the legislation to ban cigarette advertising. This level of commitment was missing in the Swiss campaign.

A fourth factor in the success of the New Zealand campaign was the proactive stance adopted by officials within the government health department.³² In particular, the Principal Medical Officer at the time worked closely with government advisory committees and played a crucial role in the production of official reports, such as the influential Toxic Substances Report,³⁴ which has since been cited frequently during similar campaigns throughout the world.

A further feature of previously successful campaigns that was absent in the Swiss case was the availability of the international resources of the tobacco control movement. In the New Zealand campaign, the pro-health coalition arranged for a large number of distinguished overseas experts, particularly from Australia and Canada, to testify before the parliamentary committee considering the legislation.³² The resources provided by the international tobacco control network involved not only expert testimonies (each of which received wide media coverage and added to the international credibility of the proposed legislation), but also important strategic advice based on lessons learnt elsewhere.

A sixth factor in the success of the New Zealand campaign was the decision by the pro-health coalition to draft its own version of the legislation. The draft legislation contained some of the best, and most restrictive, features of both the Canadian and Australian legislation, and caused both panic and disarray within the tobacco industry when it appeared and was mistaken for an official government document.

Both the Canadian and New Zealand campaigns highlighted the importance of timely and credible research. In Canada, the

Non-Smokers' Rights Association commissioned a variety of research, ranging from a legal opinion on the criminal liability of tobacco industry executives, to public opinion polls indicating broad support for an advertising ban. In New Zealand, the scientific foundation of the coalition's campaign strategy was based upon three timely research reports: the Toxic Substances Board report on the effects of cigarette advertising on consumption,³⁴ and published estimates of the death toll in New Zealand from active³⁵ and passive³⁶ smoking. A close collaboration between public health researchers and tobacco control lobby groups was yet another missing ingredient in the Swiss campaign.

Finally, both the New Zealand and Canadian campaigns avoided confusing tobacco control efforts with alcohol control. For example, the New Zealand campaigners decided from the outset that tobacco and alcohol promotions were fundamentally different propositions. Despite dissent within the New Zealand Coalition, the public position was to focus exclusively on ending tobacco promotion, because there is no known safe level of tobacco consumption, in contrast to alcohol, which may have health benefits if used in moderation.

Conclusion

This case study is an example of an unbalanced battle, because of the strong alliance among the tobacco industry (high profits in a market of ongoing expansion), the state (tax revenues), the media (direct advertising), and sports and cultural activities' planners (indirect advertising). The advocates of the ban were unable to effectively inform Swiss citizens about the hidden goals of cigarette advertising. Thus, without knowledge of counter-arguments to the mostly fallacious claims made by the opponents, the Swiss people were unable to make an informed decision on the initiative. The failure of the Swiss ban initiative should be instructive for other countries as they consider related issues.

We thank Terry Smith of the Canadian National Clearinghouse on Tobacco and Health for advice and assistance in gathering data. The helpful suggestions of two anonymous reviewers are also gratefully acknowledged. This work was supported by a research fellowship grant awarded to the first author by the Swiss National Science Foundation (No 832B-036980).

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